

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SAMMY MENDEZ GARCIA,  
#675975

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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No. 3:20-cv-01390-N (BT)

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

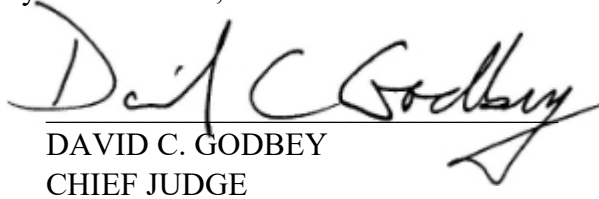
After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated October 26, 2022, including de novo review of those portions to which objection was made, the Court finds that the Findings and Recommendation of the Magistrate Judge are correct, and they are accepted as the Findings, Conclusions, and Recommendation of the Court.

**IT IS, THEREFORE, ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted. Moreover, considering the record in this case and pursuant to [Federal Rule of Appellate Procedure 22\(b\)](#) and [Rule 11\(a\)](#) of the Rules Governing Section 2254 Proceedings in the United States District Court, and [28 U.S.C. § 2253\(c\)](#), the Court **DENIES** a certificate of appealability. The Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions and Recommendation filed in this case in support of its finding that Petitioner has failed to show that (1) reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) reasonable jurists would find "it debatable whether the petition states a valid claim of the denial of a constitutional right" and

“debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

On June 11, 2020, this Court granted Petitioner leave to proceed *in forma pauperis*. His *in forma pauperis* status will carry over on appeal.

**SO ORDERED** this 18<sup>th</sup> day of November, 2022.

  
DAVID C. GODBEY  
CHIEF JUDGE